

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

RESOLUTION NO. R7-2006-0076

DELEGATING TO THE CHAIR THE AUTHORITY TO REPRESENT
THE REGIONAL BOARD IN MATTERS INVOLVING LITIGATION
IN THE EVENT OF ABSENCE OF A QUORUM

- WHEREAS, Under the California Water Code, a regional board is comprised of nine members appointed by the Governor and confirmed by the State Senate for four-year terms; and
- WHEREAS, the minimum quorum for the California Regional Water Quality Control Board, Colorado River Basin Region (Regional Board) required to hold a meeting and to conduct business is five members; and
- WHEREAS, the Regional Board has had four vacancies for some time and the appointments of two Regional Board members expire on September 18, 2006, although these two members can choose to continue to serve for up to 60 days after their terms have expired if new members are not appointed during that time in their places; and
- WHEREAS, one of the Regional Board members whose appointment expires September 18, 2006, has indicated an intent not to seek reappointment and the other member has timely submitted an application for reappointment, but has not yet received approval from the Governor's office regarding that application; and
- WHEREAS, without at least five members, the Regional Board cannot hold Board meetings or conduct workshops, adopt Waste Discharge Requirements, issue Cease and Desist Orders, hold hearings required by California Water Code Section 13323, adopt Administrative Civil Liability orders, or take action on similar types of other business requiring a vote by the Regional Board members in a public meeting; and
- WHEREAS, litigation involving the Regional Board may require guidance and representation from the Regional Board; and
- WHEREAS, the Regional Board finds that it is advisable to delegate to the Chair the authority to represent the Regional Board, or to appoint appropriate Regional Board members to represent the Regional Board, in matters involving litigation.

NOW THEREFORE BE IT RESOLVED, that:

1. The Regional Board delegates to the Chair the authority to represent the Regional Board, or to appoint appropriate Regional Board members to represent the Regional Board, in litigation involving the Regional Board.

I, ROBERT PERDUE, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, on September 20, 2006.

ROBERT PERDUE, Executive Officer